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# EXHIBIT K

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October 7, 2019

Troy Capser  
947 2<sup>nd</sup> Avenue East  
Kalispell, MT 59901

Honorable Paul Oetken  
U.S. District Court Judge  
Southern District of New York

Your Honor,

I am writing this letter in reference to the sentencing of Todd Capser. As his brother and someone involved in law enforcement, I do not condone his actions, but believe other factors should be taken into consideration.

As a community member, Todd has consistently been a generous and contributing member in his work with both foundations and business. Thus, his additions have improved community areas of both education and small business in our local area. Furthermore, Todd is both personable and amiable in public interactions and poses no threat to society. Consequentially, imposing a significant sentence would not serve a purpose for the betterment of Todd or the community.

As a family member, Todd is a caring and conscientious son who spends extended time tending to the needs of his immediate family. Undoubtedly, their emotional and physical welfare is of his utmost priority as he assists with appointments, upkeep and daily requirements. In addition, he is a devoted parent and maintains partial custody of his three children. Hence, further emphasizing his use of action to improve the lives of his family.

In consideration of Todd's judgement, the impact would be most felt by his children and parents, who in the course of this case have suffered tremendous emotional impact. Unquestionably, this action would cause increased effects on this small group while exhibiting little or no benefit to the community as a whole.

Sincerely,



Troy Capser

October 7, 2019

Honorable Paul Oetken  
United State District Court  
New York City, New York

RE: Todd Capser

Dear Judge Oetken:

My Name is Bucky Heringer and I am Todd Capser's uncle from Billings, Montana. While I wish these circumstance had not happened I would like to tell you my thoughts of the Todd Capser that I know. What I have seen for the last 16 years since his first child was born is a man that loves his family more than anything in the world. Todd is, and has been, a fully involved dad that has helped his children navigate through a very tough divorce. Like any father he has worked hard to provide a safe and healthy environment for his children when they are in his care.

Todd has been an active member of the Billings Community serving on the St. Vincent Hospital Foundation Board to help raise money for several deserving causes associated with the hospital. The hospital only picks board members that will actively work for the betterment of the hospital. This is not a name only board.

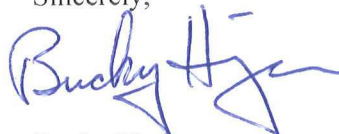
As I mentioned, Todd is a fully involved dad. He has been a volunteer track coach at Billings Central Catholic High School for the past 3 years. Todd's son Camden runs for the Central track team and Todd has been there to help coach his son and several other track athletes. Todd's two younger daughters are very active in dance. I remember many times talking to Todd and he was busy running to his daughters to dance recitals and dance practices. I know that he loves every minute of running and being involved in his kid's lives.

A huge responsibility that Todd has taken on in the last few years is the financial care of his parents. His dad was a famous artist that has had carpal tunnel surgery and has been unable continue his career. Todd's love and concern for his parents put additional financial pressure on him.

Todd is an asset to his kids, his parents and to his community. I know there is no excuse for what he has done and when I talk to him I know that he has taken full responsibility for his actions. Todd has apologized to all of his family and friends for the unwanted attention his actions created. He understands that he must live his life in manner that will bring honor and respect to his children and is ready to accept the consequences of his actions. It is my hope that you would allow Todd Capser to remain at home to support his children that need their dad.

Thank you for reading this letter.

Sincerely,



Bucky Heringer

*James Capser*  
657 Sahara Drive  
Billings, Montana 59105

Honorable Paul Oetken  
U. S. Judge

Dear Judge Oetken;

I am an uncle of Todd Capser and a retired attorney and business owner residing in Billings, Montana. I have known Todd all of his life and would like to convey some comments on his background and character.

I believe you are already aware that, prior to the chain of events giving rise to the present charges, Todd led a fairly exemplary life and was never involved in any criminal or unethical activities. He was a loving husband and father of 3 children and part of a large, very well respected, extended family of successful relatives.

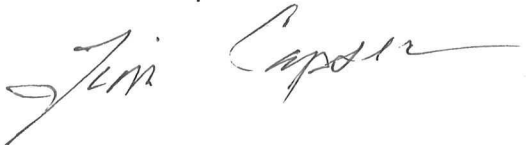
Following a very stressful breakup of his marriage, I believe that Todd felt a great deal of pressure to excel in business and provide well for his children and help provide for his parents. Having spent a large part of his career dealing with highly successful and rich business owners, and wanting to emulate them, he found an opportunity to enter the world of shipping for hire if two ships could be acquired through financing. In arranging the financing, he apparently made a number of incorrect claims of assets and crossed legal boundaries

I do believe that he fully intended the financing to be repaid through the shipping revenues and had no intent to defraud the financing institution of any provided funds. This statement is not meant to justify his actions, merely to provide some explanation of his motives.

As a result of his actions and the charges being brought against him, Todd has had his entire world turned upside down. He has had to face arrest, private and public humiliation. He has had to face a family that has always been proud of its stellar reputation for honesty and respect. While this may not be monumental to others, to Todd it has been overwhelming. I can assure you that, regardless of the legal penalties you may determine, Todd has been punished severely and this will continue for a long time to come.

I sincerely thank you for your efforts to arrive at a fair and compassionate judgment.

Jim Capser

A handwritten signature in dark ink, appearing to read "Jim Capser", with a stylized, flowing script.

10-05-2019

From: Robert and Elizabeth Capser  
3630 Custer Avenue  
Billings, MT 59102

To: Most Honorable Paul Oetken  
U. S. District Court Judge

Re: Todd Capser

Your Honor:

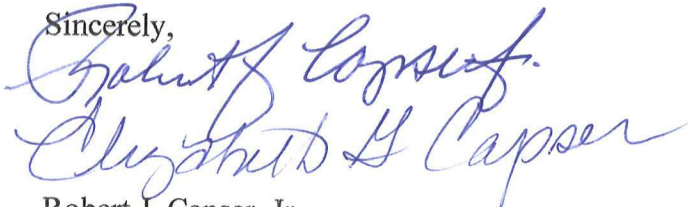
As both Aunt and Uncle to Todd Capser, we are asked to submit to you a close-up, or a short profile of sorts regarding our nephew, Todd. Since Todd is our nephew, it is natural that we are favorably biased in our opinion of him. We hope to convey our admiration and appreciation of what this young man has done with his life through the years. We have always felt that whatever he chose to do was for the betterment of his family and community. Out of all of our nieces and nephews, we considered Todd to be the one that outshined all the rest with his big heart and concern for others more than himself. He has always been a very conscientious, hardworking, responsible human being.

We could overwhelm you with all the many accolades of his past achievements, but instead, we sincerely hope you will consider his humble admission of guilt, and honest remorse for what has transpired. We hope that you will measure his past successes along with being a loyal and loving son, brother and father to his three amazing children, along with being an outstanding citizen.

In light of Todd's clean and admirable past, we hope you will take this into account by giving him the lowest possible sentencing that the law will allow. With this request, we fully appreciate your benevolent duty and responsibility to be in the seat of final judgement; a position we do not envy at all...a burden you must face each and every day as a U.S. District Court Judge

From the bench, it is your duty to decide the final length of his sentence, and that decree will not only serve to punish the accused of his wrong doings, but it will subsequently punish his children, parents, immediate family, and least of all, this community.

Sincerely,



Robert J. Capser, Jr.  
Elizabeth G. Capser



# Bob Hanley



901 Birdie Way, St. Augustine, FL 32080

October 3, 2019

Honorable Paul Oetken  
U.S. District Judge

Re: Todd Capser

Dear Judge Oetken:

I am writing this letter for my wife Bunny and myself on behalf of Todd Capser who will be appearing before you in November. Bunny is Todd's aunt, the oldest sister of Todd's father Mike. Bunny and I have been married for 51 years. I have known the Capser family for a couple years longer than that. Bunny and her twin brother Bob are the oldest of the eight Capser children of Bob and Madelyn Capser.

Bob and Madelyn were two of the most honest and honorable people I have ever known. Bob Capser was among the largest cattle buyers in Montana and the surrounding area. In addition he was a rancher and feedlot owner and operator. A significant reason for his success was his integrity, which was second to none. His handshake was all that was needed to finalize a deal. He instilled in his family the importance of hard work and integrity. Each of the eight Casper siblings has those qualities, has lived their lives with those qualities and has passed them down to their children. The Capser family is one of the most respected families in the Billings area and one that I have been fortunate to be part of for most of my life.

To say the family is devastated by Todd's actions is an understatement. Todd is about the same age as our two sons. He was around them a lot growing up and was always a good kid. He seemed to work hard and had good jobs after his college years. He married, became a father and has been a good father to his three children. Bunny and I have had minimal contact with Todd the past few years but through his father Mike heard he had become an entrepreneur and was doing well. What Todd has been accused of and has pleaded guilty to was a shock and completely out of character to the Todd we know.

Our hope is that Todd will learn from his mistakes and will be given a chance to live a new life that will be honest and honorable. He has a large family that includes his children, mother, father, aunts, uncles and cousins who will be there to support his recovery from his past unacceptable behavior and actions.

Bunny and I thank you for your service to our country and for your fair judgment decisions of those that come before you.

Sincerely,

Bob Hanley  
Phone: 303-589-0986

October 5, 2019

Honorable Pat Oetken:

We are Todd Capser's parents, Mike and Linda Capser. Both 68 years old. Linda and I have two sons. Todd and his younger brother, Troy. Troy is a Special Agent with the Department of Homeland Security residing in Kalispell, Montana.

Todd, his mother and I live in Billings, Montana. I have been a professional artist for 45 years and worked very hard to support my family and raise them with the same ethics and values our families passed down to us. We have had a simple, but full life. Linda and I will celebrate 50 years of marriage in just one year. We've had good times and tough times, but we stayed together through all of them and managed to make a forever home for our boys, but always pushed them to carry on and pass on the same values to their own families.

Todd is my oldest and most adventurous son. Willing to go the extra mile in every endeavor he tackled. From his years of leadership positions on the professional staff of one of Montana's U.S Senators, to hospital boards of directors, and in business. He has always been full of dreams and would not quit until those dreams come through.

Todd was married, had three incredible children and was working very hard to give them a great life and a great home. Then his world came crashing down when his wife of 12 years asked for a divorce. Todd's world changed at this time. He didn't want to have his family broken up, but had no choice. It broke him both emotionally and financially.

It was around this same time my art business started to spiral down. The art market dropped out of site and it became increasingly tough on Linda and I to meet our monetary obligations. Knowing this Todd started a new venture, a transportation company. First with trucks hauling oil in North Dakota. When the oil market softened Todd sold out and started his maritime shipping business. All the time giving his mother and I financial help every month so we could live our life without the mounting stress. Todd was having to come up with an income to pay his ex-wife, child support payments, as well as much more. These financial obligations were such a huge burden that he became seriously overwhelmed, but he hid these emotions from his mother and I. He was always there for us, every single day to help us and whoever needed help. He coached his son to become a state qualifier in track. His second child, a beautiful daughter now 14 years old, has suffered through very serious OCD issues, so badly that earlier this year she had to be sent to a healthcare facility that specializes in helping children with this horrible disease. It was a massive burden on Todd while he was dealing with all the other issues at home. This whole time his children never went without.

His children would not be the achievers they are without their dad. The thought of Todd not being here for his son's senior year of high school is too much to bear for us. He saved our financial life and it saved us from losing everything.

Yes, Todd made a horrible mistake with the bank, but we are convinced it was made out of desperation to make his business work. He never had intentions to cheat anybody. That was never his intent. He just wanted a chance to succeed, pay off his debts and take care of all those around him.

We were not aware of his problems and he shielded this from us out of love for his family. Todd has paid such a deep and life changing price for his wrong deeds that his and our lives will never be the same. All Todd wants to do is fix what has happened and start his life over. This is what we want for him also. He has lost everything and is a broken man. But with the support and love from his family he will move on and live and survive. A long road is ahead, but we tell Todd every day God will point him in the right direction.

Your Honor, in closing, please understand that you have in your hands a good and honorable man, an incredible father to three young children, a man who will do only good for others given the chance. Please look inside his heart and give our son that chance.

With great respect,

  
Mike Capser

  
Linda Capser



November 11, 2019

Honorable J. Paul Oetken  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Honorable J. Paul Oetken:

Todd Capser is a man I have known for more than ten years. Over the past four years we have developed a deeper relationship given my position as a school counselor in the Billings Public Schools. This is a position I have held for nearly two decades. I have served, or am currently serving, as the school counselor for all three of Todd's children. One doesn't need to spend much time with Todd before quickly realizing how important his children are to him. He shares in their successes as well as in their setbacks. It is refreshing to see a father who is interested and engaged in his children's pursuits. His level of concern and depth of love for them is truly beyond measure.

The court holds in its hand the gift of time. Time spent with family forging deeper and formidable relationships is paramount for all of us, especially young people. These relationships are the very things we carry with us on our journey. Todd is a father who is working to ensure that his children have the best of him. He is spending time working through his own struggles to become the best role model for his children. He has not arrived and would humbly share that with those who would ask. This experience has given opportunity for growth. In my estimation, Todd is doing the best he can to grow from it. The fruits of his labor will certainly pay dividends in his life and in the lives of his children.

Your decision is a difficult one for sure. One would be hard pressed to find anyone who would envy the position you are in. Weighing the evidence, enforcing the law, and giving consideration beyond the present, is difficult to say the least. My humble request of you is to give much consideration to the father that stands in your courtroom.

Sincerely,

A handwritten signature in black ink, appearing to read "K Brook", written in a cursive, flowing style.

Kevin Brook  
(406) 281-5908  
brookks@billingschools.org